

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

V.

CHRISTOPHER KIRCHNER,

Defendant,

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CRIMINAL ACTION NO.

4:23-CR-127-P

ECF

FEDERAL PUBLIC DEFENDER'S SECOND MOTION TO WITHDRAW

TO THE HONORABLE U.S. DISTRICT JUDGE MARK PITTMAN:

Christopher J. Weinbel, counsel for Defendant Christopher Kirchner, files this Motion to Withdraw as counsel and shows as follows:

1. Counsel requests to withdraw as counsel of record for the Defendant in this case along with colleagues, Rachel Taft, and Michael Lehmann.
2. On May, 23, 2023, the Court appointed the Federal Public Defender's Office on this case (Dkt. No. 40). On January 25, 2024, Christopher Kirchner was found guilty by a jury in a trial held before the Court (Dkt. No. 103). Since that time Mr. Kirchner has represented to undersigned counsel that he intends to represent himself for the remainder of this criminal action.
3. On Monday, June 24, 2024, Mr. Kirchner indicated to counsel his disagreement with counsel's strategy and wished to terminate their relationship if Mr. Kirchner's strategy was not followed. Mr. Kirchner was reminded he has the freedom to hire other counsel if he so chooses or represent himself pro se in future proceedings.

4. On Wednesday, June 26, 2024, counsel informed Mr. Kirchner that they would meet on Friday, June 28, 2024, to discuss this impasse. Mr. Kirchner offered an ultimatum, to either acquiesce to his demands, or request the Federal Public Defender's Office withdraw from the case.
5. On Friday, June 28, 2024, counsel, along with Rachel Taft and Pia Lederman, attempted to meet with Mr. Kirchner in an attempt to prepare for sentencing and discuss strategy. Mr. Kirchner refused to see the attorneys indicating further his intention to either retain or represent himself.
6. This withdrawal is not sought for purposes of delay. Counsel's attempts to communicate with Mr. Kirchner about important decisions regarding his case have been met with refusal. As such, any efforts on counsel's part to effectively assist him as required by the Sixth Amendment are insufficient.
7. Upon conference on June 24, 2024, Counsel for the Government stated it takes no position on this motion.
8. Counsel defers to the court for responsive action.

For these reasons, undersigned counsel requests the Court grant this Motion to Withdraw, allow the Federal Public Defender's Office to withdraw as counsel of record for Christopher Kirchner, and grant such further relief as the Court deems just and proper.

Respectfully submitted,

JASON D. HAWKINS
Federal Public Defender
Northern District of Texas

/s/ Christopher J. Weinbel
CHRISTOPHER J. WEINBEL
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CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with AUSA Joshua Detzky on June 24, 2024, and confirmed the Government takes no position on this motion.

/s/ Christopher Weinbel
Christopher Weinbel

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2024, I electronically filed the foregoing document using the Court's CM/ECF system, thereby providing service on attorneys of record.

/s/ Christopher Weinbel
Christopher Weinbel